

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

OCT 06 2020

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA)	No. 4:20CR <i>00294 LPR</i>
)	
v.)	
)	21 U.S.C. §§ 841(a)(1), (b)(1)(B), (C)
)	21 U.S.C. § 846
)	
HOWARD DARRELL FOSTER, JR.)	
ROBERT W. CAGE, III)	
AARON V. CHRISTMAN)	
RUSSELL ALEXANDER GIBBS)	
CHARLES D. GRIGGS)	

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

From in or about February 2020, and continuing to on or about July 20, 2020, in the Eastern District of Arkansas and elsewhere, the defendants,

HOWARD DARRELL FOSTER, JR.,
ROBERT W. CAGE, III,
AARON V. CHRISTMAN,
RUSSELL ALEXANDER GIBBS, and
CHARLES D. GRIGGS,

voluntarily and intentionally conspired with each other and other persons known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute and to distribute Schedule I (heroin) and Schedule II controlled substances (oxycodone, hydrocodone, and methamphetamine) in violation of Title 21, United States Code, Sections 841(a)(1).

1. With respect to defendant HOWARD DARRELL FOSTER, JR., the amount of Schedule I controlled substance involved in the conspiracy attributable him as a result of his own conduct, and the conduct of other co-conspirators reasonably foreseeable to him, is at

least 100 grams, but less than 5 kilograms of a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, section 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about February 20, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed less than 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 3

On or about February 26, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed less than 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 4

On or about March 5, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed at least 50 grams, but less than 500 grams of a mixture and substance containing a detectable amount of

methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 5

On or about April 17, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed less than 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 6

On or about May 5, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed less than 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 7

On or about June 8, 2020, in the Eastern District of Arkansas, the defendant,

HOWARD DARRELL FOSTER, JR.,

knowingly and intentionally possessed with intent to distribute and distributed less than 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 8

On or about June 25, 2020, in the Eastern District of Arkansas, the defendant,
HOWARD DARRELL FOSTER, JR.,
knowingly and intentionally possessed with intent to distribute at least 100 grams, but less than 5 kilograms, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 9

On or about June 25, 2020, in the Eastern District of Arkansas, the defendant,
HOWARD DARRELL FOSTER, JR.,
knowingly and intentionally possessed a firearm, that is, a Beretta 9mm Nano handgun, serial number NU100761, in furtherance of a drug trafficking crime prosecutable in a court of the United States, that is, a violation of Title 21, United States Code, Section 841(a)(1) and 846, as set forth in Count 1 of this Indictment, and a violation of Title 21, United States Code, Section 841(a)(1) as set forth in Count 8 of this Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION 1

Upon conviction of Count 1 of this Indictment, the defendants, shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(1), all property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the offense.

FORFEITURE ALLEGATION 2

Upon conviction of Count 1 of this Indictment, the defendants, shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(2), all of the person's property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

FORFEITURE ALLEGATION 3

Upon conviction of one or more of the crimes alleged in Counts 2, 3, 4, 5, 6, 7 and 8 of this Indictment, the defendant, HOWARD DARRELL FOSTER, JR., shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(1), all property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the offense.

FORFEITURE ALLEGATION 4

Upon conviction of one or more of the crimes alleged in Counts 2, 3, 4, 5, 6, 7 and 8 of this Indictment, the defendant, HOWARD FOSTER, JR., shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(2), all of the person's property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

FORFEITURE ALLEGATION 5

Upon conviction of Count 1 of this Indictment, the defendants, shall forfeit to the United States, under Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense.

FORFEITURE ALLEGATION 6

Upon conviction of Count 9 of this Indictment, the defendant, HOWARD DARRELL FOSTER, JR., shall forfeit to the United States, under Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to, a Beretta 9mm Nano handgun, serial number NU100761, and all ammunition seized on June 25, 2020.

[END OF TEXT. SIGNATURE PAGE ATTACHED.]